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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

LAURI VALJAKKA,

Plaintiff,

v.

NETFLIX, INC.,

Defendant.

Case No.: 4:22-cv-01490-JST

**DECLARATION OF RACHAEL D.  
LAMKIN ISO NETFLIX, INC.'S  
MOTION FOR PRELIMINARY  
INJUNCTION**

Judge: Hon. Jon S. Tigar

I, Rachael D. Lamkin, declare as follows:

1. I am a partner with the law firm of Baker Botts L.L.P. and counsel of record for Defendant Netflix, Inc. in the above-captioned matter.

2. I am admitted to practice in all state and federal courts in California, federal courts in Colorado and the Eastern and Western Districts of Texas. I am also admitted in the Federal Circuit, the International Trade Commission, the Court of International Trade, and this Honorable Court.

3. I have personal knowledge of the facts stated herein.

4. I make this Declaration in support of Netflix's Motion For Preliminary Injunction and all motions filed concurrently therewith on this date.

5. I was hired in late July 2023 to assist Netflix's trial team in this matter.

1           6.       At the time, and immediately before, Netflix’s current counsel was diligently absorbed  
2 with (i) discovering and pleading inequitable conduct against Mr. Valjakka (Dkt. No. 101), (ii) expert  
3 reports, (iii) mediation, (iv) amending its damages contentions, and (v) drafting summary judgment  
4 motions (Dkt. Nos. 101-124).

5           7.       I was asked to take another look at certain documents to assist in their efforts and in  
6 my own preparations.

7           8.       In so doing, I was struck by the unusual language of the just-obtained English  
8 translations of the CDN licenses, and the admissions related to those licenses in Mr. Valjakka’s  
9 deposition testimony.

10          9.       Together, Netflix’s trial team realized that Mr. Valjakka had established a fraudulent  
11 series of transactions, likely to avoid paying his creditors. We quickly reviewed the evidence, Netflix’s  
12 remedies, and the California Uniform Voidable Transactions Act (“CUVTA”).

13          10.      Upon deep review of CUVTA, its progeny, and the facts of this case, we realized the  
14 risk to Netflix, and contacted Mr. Valjakka to ask for a meet and confer regarding Netflix’s CUVTA  
15 claim. We sent that correspondence on August 16, 2023, within ten (10) days of realizing the CDN  
16 licenses were, in our view, a violation of CUVTA, having spent those ten (10) days engaging in a  
17 rigorous analysis of CUVTA as applied to the facts of our case and a detailed analysis of the case  
18 schedule to make sure the claim could be tried in this matter, as opposed to a being filed as a separate  
19 matter. We also considered the discovery we would need, and whether that could be done under the  
20 current case schedule.

21          11.      On August 16, 2023, I sent a letter to counsel for Mr. Valjakka, setting forth our  
22 CUVTA allegations and asking for a telephonic meet and confer. I stated that I would be available at  
23 any time over the next four (4) days.

24          12.      Over the next four (4) days, I repeatedly communicated to counsel for Valjakka that I  
25 would make myself available at any time convenient for him during that time.

26          13.      Counsel for Mr. Valjakka communicated extensively with me throughout the next four  
27 (4) days but stated that he was only available for a call five (5) days later, on Monday August 21, 2023.  
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